

the plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that such canned food fell below such standard.

On January 13, 1936, the Hale-Halsell Co., Tulsa, Okla., having claimed the product, and consenting, a decree of condemnation and forfeiture was entered, providing for release of the product to the said company for relabeling under the supervision of the Food and Drug Administration.

W. R. GREGG, *Acting Secretary of Agriculture.*

25761. Misbranding of peanut butter. U. S. v. 100 Cartons of Peanut Butter. Consent decree of condemnation and forfeiture, providing for release of the product to the claimant for reconditioning and relabeling. (F. & D. no. 36916. Sample no. 53701-B.)

The weight of the contents of the jars containing this product was less than that represented on the jar labels.

On January 7, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cartons of peanut butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce by the Martin Peanut Products Corporation on or about November 19, 1935, from Brooklyn, N. Y., to Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cartons) "Reliance Brand Peanut Butter Net Wt Sixteen Oz Packed For Reliance Pure Foods Seattle USA."

Misbranding of the article was charged (a) under the allegations that there appeared on the carton label the statement, to wit, "Net Wt 16 Oz", and that the said statement was false and misleading and tended to deceive and mislead the purchaser; (b) under the allegation that the product was in package form and the quantity of the contents of the package was not plainly and conspicuously marked on the outside thereof.

On February 11, 1936, the Martin Peanut Products Corporation, claimant, consenting, a decree of condemnation and forfeiture was entered, providing for the release of the product to the claimant for reconditioning and relabeling, upon furnishing bond in the sum of \$700.

W. R. GREGG, *Acting Secretary of Agriculture.*

25762. Adulteration of walnut meats. U. S. v. 11 Cartons of Walnut Meats. Judgment permitting release of product under bond. (F. & D. no. 36917. Sample no. 60620-B.)

This case involved a shipment of walnut meats that were in part wormy, moldy, and rancid.

On January 7, 1936, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cartons of walnut meats at Idaho Falls, Idaho, alleging that the article had been shipped in interstate commerce on or about November 2, 1935, by the Symns Utah Grocery Co., from Salt Lake City, Utah, and charging adulteration in violation of the Food and Drugs Act. The product was originally shipped to the Symns Utah Grocery Co., by the Los Angeles Nut House, Los Angeles, Calif. The article was labeled in part: "Baker Special, Symns Utah Groc. Co., * * * From L. A. Nut House, Los Angeles, Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On February 5, 1936, the Los Angeles Nut House, Los Angeles, Calif., having appeared as claimant and having consented to the entry of a decree, judgment was entered permitting release of the product under bond, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act.

W. R. GREGG, *Acting Secretary of Agriculture.*

25763. Misbranding of canned tomatoes. U. S. v. 967 Cases of Canned Tomatoes. Product adjudged misbranded and released under bond for relabeling. (F. & D. no. 36918. Sample no. 49170-B.)

This product was substandard, because it did not consist of whole or large pieces of tomatoes, was not normally colored, and it was not labeled to indicate that it was substandard.

On or about January 7, 1936, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 967 cases

of canned tomatoes at Tulsa, Okla., alleging that the article had been shipped in interstate commerce on or about November 23, 1935, by the Charles S. Hulsey Canning Co., from Green Forest, Ark., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Raider Tomatoes * * * distributors Griffin Grocery Company * * * Muskogee, Okla."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On January 13, 1936, the Griffin-Goodner Grocery Co., Tulsa, Okla., having appeared as claimant, judgment was entered finding the product misbranded and ordering that it be released under bond, conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

25764. Adulteration of cranberries. U. S. v. 160 Boxes of Cranberries. Default decree of condemnation and destruction. (F. & D. no. 36926. Sample no. 40866-B.)

This case involved a shipment of cranberries that were in part decomposed.

On January 9, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 160 boxes of cranberries at Astoria, Oreg., alleging that the article had been shipped in interstate commerce on or about November 16 and November 20, 1935, by Rolla Parrish, from Long Beach, Wash., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On February 11, 1936, no claim having been entered for the cranberries, judgment of condemnation was entered and it was ordered that they be destroyed, and that the boxes be returned to the owner.

W. R. GREGG, *Acting Secretary of Agriculture.*

25765. Adulteration of dried peaches. U. S. v. 250 Cases of Dried Peaches. Decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 36929. Sample no. 46234-B.)

This case involved dried peaches that were in part insect-infested and dirty.

On January 10, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 250 cases of dried peaches at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about December 17, 1935, by Guggenhime & Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Waldorf Brand California Choice Recleaned Cling Peaches Guggenhime and Company California."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On March 2, 1936, Guggenhime & Co. having appeared as claimant, and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the unfit portion be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25766. Misbranding of canned tomatoes. U. S. v. 1,049 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 36931. Sample no. 10041-B.)

This case involved canned tomatoes that were substandard and were not labeled to indicate that fact.

On January 14, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,049 cases of canned tomatoes at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about October 5, 1935, by the Lick Branch Canning Co., from Green Forest, Ark., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Concho hand-packed tomatoes * * * distributed by Waples Platter Company, Texas."